

REMARKS

Claims 1-11, 13-15, 30-44, and 55-69 are pending. Claims 1, 30 and 55 have been amended.

Personal Interview of April 7, 2005 at USPTO

Examiner Jones, Keith Moore and David Olynick attended the interview. The Walker and Microsoft references were discussed. Applicant suggested that the combination did not teach or suggest the limitations recited in the claims of the present invention. Applicant thanks the Examiner for his time at the Interview.

Claim Objections

Applicant believes claims as amended overcome Examiner's objections.

Rejections under 35 U.S.C. § 103

Claims 1-15, 30-44, 55-61 and 62-69 including the independent claims were rejected under 35 U.S.C. 103 as being unpatentable over Walker (U.S. 6,110,041) in view of Walker '163 (U.S. 6,077,163) and Microsoft®Windows®

The present invention describes, as recited in claim 1 for instance, a gaming machine comprising a master gaming controller that is designed or configured to control one or more games played on the gaming machine and to request preference account information from a remote server wherein each game played on the gaming machine comprises a) receiving a wager an outcome for the game, b) determining the outcome for the game and c) displaying a game presentation of the outcome determined for the game; and a user interface configured to display preferences, to receive preference selections, to display a simulated game presentation of a game of chance available for wagering game play on the gaming machine, and to display information regarding one or more preferences in a group of available preferences. The simulated game presentation is for allowing a user to determine the effects of different game feature settings on the game presentation for the game of chance prior to initiating wagering game play on the gaming machine where the wager is not required to view the simulated game presentation.

Examiner relies on the Walker references to teach the selection of preferences on a gaming machine. Walker does not describe "a simulated game presentation of a game of chance available for wagering game play on the gaming machine" where "the simulated game presentation is for allowing a user to determine the effects of different game feature settings on the game presentation for the game of chance prior to initiating wagering game play on the gaming machine where the wager is not required to view the simulated game presentation."

Examiner states that Windows teaches "a system and method for updating a person's (player's) preferences on a graphical user interface, such as a display monitor" where "the display shows the pattern, background, wallpaper, or screen saver selected by the user prior to actually saving the setting in order to view how the pattern, background, wallpaper or screen saver will actually look on the screen." The Windows reference makes no mention of "a simulated game presentation of a game of chance available for wagering game play on the gaming machine"

Applicant notes that the combination of reference must teach or suggest all of the limitations of the pending claims to establish obviousness. However, the combination of the Walker references and the Microsoft reference do not teach or suggest a "simulated game presentation" as recited in the pending claims. For example, the Microsoft reference does not mention or suggest in any manner the simulated game presentation, game presentations of any type, wagering game play of any type or determining the effects of game feature settings prior to initiating wager game play. Walker does not teach or suggest the simulated game presentation or determining the effects of game feature settings prior to initiating wager game play. Thus, the combination can't be said to teach or suggest the simulated game presentation or determining the effects of game feature settings prior to initiating wager game play.

Further, even if the idea of previewing "something," such as the selection of a new background color or a wallpaper in a graphical user interface is applied to Walker as suggested by the Examiner, neither reference teaches or suggests "allowing a user to determine the effects of different game feature settings on the game presentation prior to initiating wagering game play on the gaming machine where the wager is not required to view the simulated game presentation." In Walker, the player is required to make a wager and play the game to see the effects of any selected features on the game that have been adjusted by the player which teaches away from the present invention. Walker does not provide a motivation or a suggestion for doing otherwise.

In addition, Applicant does not believe that the references cited by the Examiner teach or suggest any motivation for the combination. Walker does not describe any need to determine the effects of different game feature settings on the game presentation prior to initiating wagering game play on the gaming machine and the Windows reference makes no mention of gaming or wagering game play. Examiner says that one would have been motivated to make the combination to do so in order to see how the player selected preferences will look on the screen prior to actually saving the player selected preferences. However, since this motivation is not found in the prior art cited by the Examiner and the Examiner has not suggested this motivation is well known to someone in the skill of the art, Applicant believes this motivation may be an instance of hindsight reasoning on the part of the Examiner.

Therefore, for at least these reasons, the combination of the Walker references and the windows reference can't be said to render obvious the pending claims and the rejection of the pending claims is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



David P. Olynick
Reg. No.: 48,615

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100, ext. 231